



JC16 Rec'd PCT/PTO 13 FEB 2002
10/049456
200 Pennsylvania Avenue, NW
Washington, DC 20037-3213
T 202.293.7060
F 202.293.7860
www.sughrue.com

February 13, 2002

BOX PCT

Commissioner for Patents
Washington, D.C. 20231

PCT/AU00/00962
-filed August 11, 2000

Re: Application of Israel Raleigh LURIE, Donald Ian PHILLIPS

APPARATUS FOR OBTAINING BIOLOGICAL SAMPLES

Assignee: R. LURIE PTY., LTD.,
WATER SOLUTIONS (AUST.) PTY., LTD.

Our Ref: Q68463

Dear Sir:

The following documents and fees are submitted herewith in connection with the above application for the purpose of entering the National stage under 35 U.S.C. § 371 and in accordance with Chapter II of the Patent Cooperation Treaty:

- ☒ a Form PTO-1449 listing the ISR references.
- ☒ a Preliminary Amendment

The Declaration and Power of Attorney, and Assignment document with PTO form 1595 will be submitted at a later date.

It is assumed that copies of the International Application as filed, drawings as originally filed, the International Search Report with complete copies of the references cited therein, copy of priority document, the International Preliminary Examination Report, and any Articles 19 and 34 amendments as required by § 371(c) will be supplied directly by the International Bureau, but if further copies are needed, the undersigned can easily provide them upon request.

Applicant claims benefit of small entity status in accordance with 37 CFR § 1.27.

Please see attached preliminary amendment before calculating Government filing fee.

The Government filing fee is calculated as follows (**Small Entity fees apply**):

Total claims	<u>21</u>	-	<u>20</u>	=	<u>1</u>	x	\$9.00	=	<u>\$9.00</u>
Independent claims	<u>3</u>	-	<u>3</u>	=	<u>0</u>	x	\$42.00	=	<u>\$0.00</u>
Base Fee									<u>\$445.00</u>
TOTAL FEE									<u>\$454.00</u>

A check for the statutory filing fee of \$454.00 is attached. You are also directed and authorized to charge or credit any difference or overpayment to Deposit Account No. 19-4880.



SUGHRUE MION, PLLC

Entering National Stage of PCT/AU00/00962
Attorney Docket Q68463

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.492 which may be required during the entire pendency of the application to Deposit Account No. 19-4880. A duplicate copy of this transmittal letter is attached.

Priority is claimed from:

<u>Country</u>	<u>Application No</u>	<u>Filing Date</u>
AUSTRALIA	PQ2197/99	August 13, 1999

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert V. Sloan'.

Robert V. Sloan
Registration No. 22,775

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: February 13, 2002

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Israel Raleigh LURIE, et al.

PCT/AU00/00962

Appln. No.: not yet assigned

Attorney Docket Q68463

Confirmation No.: Not yet assigned

Group Art Unit: Not yet assigned

Filed: February 12, 2002

Examiner: Not yet assigned

For: APPARATUS FOR OBTAINING BIOLOGICAL SAMPLES

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination, please amend the above-identified application as follows:

IN THE SPECIFICATION:

Please amend the specification as follows:

Page 1, after the title insert the following sentence:

--This is a National stage entry under 35 U.S.C. § 371 of Application No.

PCT/AU00/00962 filed August 11, 2000; the disclosure of which is incorporated herein by reference.--

IN THE CLAIMS:

Delete the heading "CLAIMS" and insert the heading

WHAT IS CLAIMED IS:

Please cancel claims 1-22 inclusive without prejudice or disclaimer.

Please add the following new claims:

23. A device for collection of a fluid sample, comprising a barrel having an opening at one end thereof, a plunger operable axially within the barrel, said barrel and said plunger defining a fluid chamber having a volume which varies on axial movement of the plunger within the barrel, and a flexible, hollow, elongate catheter extending from the fluid chamber through said opening in the barrel, said catheter being in operative engagement with said plunger for axial movement to extend and retract the catheter within respect to the barrel on axial movement of the plunger, and said catheter being in fluid communication with the fluid chamber to provide a fluid flow path to and from the fluid chamber through the hollow catheter.

24. A device according to claim 23, wherein said catheter extends into a chamber in the plunger which is in fluid communication with said fluid chamber.

25. A device according to claim 23, wherein said catheter is provided with perforations in the wall thereof at or near the end thereof attached to the plunger for fluid communication with said fluid chamber.

26. A device according to claim 23, wherein the end of said catheter remote from the plunger is sealed, and the catheter is provided with perforations in the wall thereof at or near the sealed end for passage of fluid in and out of the hollow catheter.

27. A device according to claim 23, further comprising a filter located in the fluid flow path to and from the fluid chamber through the hollow catheter.

28. A device according to claim 27, wherein the filter is adapted to substantially remove cells and cellular debris from a fluid in said fluid flow path.

29. A device according to claim 27, wherein the filter is located in the hollow catheter.
30. A device according to claim 27, wherein the filter is located in the plunger.
31. A device according to claim 27, wherein the filter is located in the barrel.
32. A device according to claim 23, further comprising a coil spring, pneumatic cushion or other return device located between the barrel and the plunger of the device.
33. A device according to claim 23, further comprising means to rotate the plunger on axial movement of the plunger within the barrel of the device.
34. A device according to claim 33, wherein said means to rotate is adapted to rotate the plunger from 90° to 360° on full axial movement of the plunger within the barrel.
35. A device according to claim 23, further comprising means for collection of a sample of cells or cellular debris, said means being located on said barrel at or adjacent to said opening at one end thereof.
36. A device according to claim 35 wherein said means for collecting a sample of cells or cellular debris comprises a brush or brush-like device.
37. A method for collection of a fluid sample from an internal cavity of a mammal, said method comprising the steps of:
 - (i) locating the end of a flexible, hollow, elongate catheter at the opening of the internal cavity;

(ii) penetrating the internal cavity by moving the catheter into the cavity while simultaneously passing wash fluid through the hollow catheter to wash at least a portion of the surface of the internal cavity; and

(iii) subsequently retracting the catheter from the cavity while simultaneously collecting a fluid sample by aspirating the wash fluid through the hollow catheter.

38. A method according to claim 37, wherein the mammal is a human.

39. A method according to claim 38, wherein the internal cavity is the uterus of a human female, and the fluid sample is a uterine wash sample.

40. A method according to claim 37, comprising the further step of filtering the fluid sample to substantially remove cells and cellular debris from the fluid sample

41. A method according to claim 37, wherein a sample of cells or cellular debris is simultaneously collected at the opening of the internal cavity.

42. A method according to claim 41, wherein the sample is a sample of ecto- and/or endo-cervical cells.

43. A method for collection of a fluid sample from an internal cavity of a mammal, comprising a device for collection of a fluid sample, comprising a barrel having an opening at one end thereof, a plunger operable axially within the barrel, said barrel and said plunger defining a fluid chamber having a volume which varies on axial movement of the plunger within the barrel, and a flexible, hollow, elongate catheter extending from the fluid chamber through said opening in the barrel, said catheter being in operative engagement with said plunger for axial movement to extend and retract the catheter within respect to the barrel on axial movement

Preliminary Amendment
PCT/AU00/00962
Attorney Docket Q68463

of the plunger, and said catheter being in fluid communication with the fluid chamber to provide a fluid flow path to and from the fluid chamber through the hollow catheter,

said method comprising the steps of:

- (i) locating the end of a flexible, hollow, elongate catheter at the opening of the internal cavity;
- (ii) penetrating the internal cavity by moving the catheter into the cavity while simultaneously passing wash fluid through the hollow catheter to wash at least a portion of the surface of the internal cavity; and
- (iii) subsequently retracting the catheter from the cavity while simultaneously collecting a fluid sample by aspirating the wash fluid through the hollow catheter.

IN THE ABSTRACT:

Please add the proper required Abstract of the Disclosure found on the attached unnumbered sheet.

Preliminary Amendment
PCT/AU00/00962
Attorney Docket Q68463

REMARKS

The application has been amended to delete the multiple dependencies therein, and to add the proper required Abstract. Entry and consideration of this Amendment and an early and favorable action on the merits is respectfully requested.

Respectfully submitted,



Robert V. Sloan
Registration No. 22,775

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: February 13, 2002

ABSTRACT

A device for collection of a fluid sample, particularly a biological sample from an internal cavity of a mammal, comprises a barrel having an opening at one end thereof, a plunger operable axially within the barrel, the barrel and the plunger defining a fluid chamber having a volume which varies on axial movement of the plunger within the barrel, and a hollow, elongate tube extending from the fluid chamber through the opening in the barrel, the tube being in operative engagement with the plunger for axial movement to extend and retract the tube within respect to the barrel on axial movement of the plunger, and the tube being in fluid communication with the fluid chamber to provide a fluid flow path to and from the fluid chamber through the hollow tube. A method for collection of a fluid sample from an internal cavity of a mammal is also disclosed.

Preliminary Amendment
PCT/AU00/00962
Attorney Docket Q68463

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The specification is changed as follows:

Page 1, after the title insert the following sentence:

--This is a National stage entry under 35 U.S.C. § 371 of Application No.

PCT/AU00/00962 filed August 11, 2000; the disclosure of which is incorporated herein by reference.--

IN THE CLAIMS:

Delete the heading "CLAIMS" and insert the heading

WHAT IS CLAIMED IS:

Claims 1-22 inclusive are canceled.

Claims 23-43 inclusive are added as new claims.

IN THE ABSTRACT OF DISCLOSURE:

The proper Abstract has been added.

- 1 -

APPARATUS FOR OBTAINING BIOLOGICAL SAMPLES

FIELD OF THE INVENTION

5 This invention relates to a device or apparatus for obtaining a biological sample from a human or other animal, and in particular it relates to a device or apparatus for obtaining a biological sample from an internal cavity, for example, an internal cavity of an organ such as the uterus. The biological sample may comprise a fluid, cells (such as endometrial cells) or cellular debris or other biological material, or
10 both. In a preferred embodiment of the present invention, the device or apparatus is used to obtain fluid and cell samples from the human female reproductive system.

BACKGROUND OF THE INVENTION

15

There is a frequent need for medical and veterinary practitioners and other skilled personnel to collect biological samples from various internal cavities. Generally available devices for collecting samples comprise a syringe having a barrel with a flexible catheter attached to the end of the syringe barrel. The catheter must be
20 carefully inserted into the internal cavity from which the sample is to be obtained, and then the plunger of the syringe depressed and withdrawn to collect the biological sample. Such a process is time consuming, requires the use of two hands by the person collecting the sample, and can lead to considerable discomfort for the patient. Frequently, the need for two hands to perform the
25 process requires an assistant to be present, which will increase costs and has the potential to cause increased embarrassment and discomfort to a human patient.

Women aged between 45 and 60 years of age appear to be more susceptible than other age groups to cellular abnormalities of the reproductive system. As outlined
30 above, the procedures currently employed to obtain samples may cause discomfort, inconvenience and are prolonged procedures which may be embarrassing for most women.

- 2 -

For many years the so-called "Pap" smear tests have been employed to detect abnormal cells in the cervix. However, to examine the internal lining of the uterine cavity, or endometrium, a more invasive diagnostic biopsy or curettage procedure is employed. The biopsy procedure may be carried out in a doctor's surgery, but curettage involves admitting the patient to hospital and the removal of tissue under anaesthetic. These procedures remove cells from the endometrium that are then forwarded to be assessed by a pathologist.

- 10 A new and simpler procedure for detection of endometrial cancer, which is described in International Patent Application No. PCT/AU98/00189 (WO 98/42865), tests for certain enzymes and other biological substances produced by the cells of the internal lining of the uterus. Samples are obtained by flushing the uterine cavity with saline solution and conducting tests on the wash-saline. The procedure does not require anaesthetics or admission to hospital and can be conducted in the surgery by a general practitioner.

Presently available sampling syringes with a flexible catheter as described above are, in general, unsuitable for carrying out this new procedure due to excessive leakage of the wash-saline during the procedure. Moreover, the wash-saline samples often contain blood and other contaminating cells that need to be removed by centrifuging the wash-saline to obtain a cell-free supernatant. In addition, the operator cannot be sure of the position of the catheter in the uterus or the efficiency of irrigation of the uterine cavity.

25

The device of the present invention enables a biological wash sample to be obtained from the internal cavity of an organ such as the uterus with minimum discomfort. A concomitant feature is that the device can be operated by a medical or veterinary practitioner (or other skilled person) without additional assistance. As a result, the device of the present invention permits the effective collection of a biological wash sample from an internal cavity in minimum time, with minimum

30

- 3 -

interference to the patient and with maximum expectation that the collected sample will be suitable for its intended diagnostic or other application(s).

SUMMARY OF THE INVENTION

5

According to one aspect of the present invention, there is provided a device for collection of a fluid sample, comprising a barrel having an opening at one end thereof, a plunger operable axially within the barrel, said barrel and said plunger defining a fluid chamber having a volume which varies on axial movement of the plunger within the barrel, and a hollow, elongate tube extending from the fluid chamber through said opening in the barrel, said tube being in operative engagement with said plunger for axial movement to extend and retract the tube with respect to the barrel on axial movement of the plunger, and said tube being in fluid communication with the fluid chamber to provide a fluid flow path to and from the fluid chamber through the hollow tube.

Preferably, the device of the present invention is a syringe-like device having a generally cylindrical barrel and a plunger operable axially within the barrel. Preferably also, the hollow tube is a flexible, hollow catheter. A key feature of the device is the extendable/ retractable hollow tube attached to the plunger and extending from the fluid chamber of the device through the opening at one end of the barrel to provide a fluid flow path to the fluid chamber through the hollow tube. More specifically, when the plunger is depressed so as to decrease the volume of the fluid chamber, fluid (for example saline or another wash fluid) will be forced from the fluid chamber through the hollow tube. Conversely, withdrawal of the plunger so as to increase the volume of the fluid chamber will aspirate fluid through the hollow tube and back into the fluid chamber. This movement of fluid provides the means for obtaining a biological sample from an internal cavity of a human or other animal such as the uterus of a human female by passing wash fluid through the tube and into the uterus and subsequently aspirating the wash fluid so as to collect a sample from the uterus in the fluid chamber of the device.

- 4 -

Accordingly, in a further aspect of the present invention, there is provided a method for collection of a fluid sample from an internal cavity of a mammal, said method comprising the steps of:

- (i) locating the end of a hollow tube at the opening of the internal cavity;
- (ii) penetrating the internal cavity by moving the tube into the cavity while simultaneously passing wash fluid through the hollow tube to wash at least a portion of the surface of the internal cavity; and
- (iii) subsequently retracting the tube from the cavity while simultaneously collecting a fluid sample by aspirating the wash fluid through the hollow tube.

BRIEF DESCRIPTION OF THE DRAWINGS

One embodiment of a device in accordance with the present invention is shown by way of example only in the accompanying drawings, in which:

Figure 1 is a sectional view along the axis of a device in accordance with the present invention showing the device in three different stages of use thereof;

Figures 2A and 2B are sectional views along the axis of the device in the area of the plunger showing first and second embodiments of the optional filter system in the plungers, and **Figures 2C and 2D** are cross-sectional views taken on the lines C-C and D-D of Figures 2A and 2B respectively showing the filter surface of the first and second embodiments of the filter system in the plunger.

Figures 3A to C are sectional views along the axis of the device showing a modified configuration in which the return spring is contained within an extension of the barrel. Figure 3A shows the device in the "start" position, Figure 3B in the "closed" position and Figure 3C in the "open" position. Such a configuration permits total removal of the plunger and attached catheter (**Figure 3E**) leaving the barrel which can be capped at either end as the storage vessel for the fluid wash sample (**Figure 3D**).

- 5 -

DETAILED DESCRIPTION OF THE INVENTION

Referring to the Figures, Figure 1 is a diagrammatic representation of one embodiment of the device of the present invention. Such a device is suitable for obtaining a biological wash sample from an internal cavity of an animal or human. Without restriction to any particular usage, and for the purpose of illustration only, a device designed for collection of a uterine wash sample is described. As a result, the dimensions and the arrangement and number of perforations in the catheter have been selected for this purpose. It will be evident that different dimensions and arrangement of perforations may be preferred for other applications and all such variations and modifications fall within the overall ambit of the present invention.

Similarly, the filter system described in this embodiment is located attached to the plunger, however once again it will be evident that the filter system may be provided at other positions within the device.

The described arrangement is a preferred arrangement if testing of the wash sample is to be performed at a later stage or a separate location. Conversely, if testing of the wash sample is to occur with minimum delay, a simpler device without a filter may be preferred. In yet another embodiment, it may be desirable to subject the cells or cellular debris contained within the biological wash sample to some test procedure or examination. In this instance, the filter may be removed from the device after collection of the wash sample, and cells or cellular debris collected on the filter removed therefrom for testing or examination. Alternatively, a simple device without a filter may be preferred, with any contaminating cells or cellular debris being subsequently separated by filtration, centrifugation or other suitable process.

Turning now to Figure 1, in this embodiment of the invention, a flexible, hollow, elongate catheter (1) is attached to a plunger (2) which is free to move axially within a barrel (3). The barrel has an opening at the end (4) through which the

- 6 -

catheter can move as the plunger is depressed, i.e. moved axially into the barrel. The plunger has spiral mouldings (5) on the shaft (6) so that when the plunger is moved axially within the barrel, it will rotate within the barrel leading to a concomitant rotation of the catheter attached to it. A coil spring (10) is interposed
5 between the plunger and barrel such that axial movement of the plunger when manual pressure is applied to it will result in compression of the coil spring, and removal of manual pressure on the plunger will result in reverse axial movement of the plunger as a direct action of potential energy within the coil spring.

10 The device may be supplied ready-to-use in which case a biologically acceptable wash solution will be provided in the fluid chamber (7) within the barrel. Alternatively, the device may be supplied empty, and the wash solution loaded into the chamber (7) as required.

15 The hollow catheter (1) has perforations (8) at or near its remote end, that is the end remote from the plunger. The number, size and exact location of these perforations will vary depending upon the particular application. In a preferred arrangement for a device designed for collection of a uterine wash sample, the tip of the catheter is sealed, two perforations approximately 4mm from the tip are
20 made at 0° and 180° and two smaller perforations approximately 8mm from the tip are made at 90° and 270°. Such an arrangement allows good irrigation of the whole uterine cavity and minimises the risk of damage to cells lining the cavity. It will be appreciated that the above example is one of many possible arrangements, all of which fall within the broad scope of the present invention.

25

Use of the device of the invention requires that the wash solution in the fluid chamber (7) be able to enter the hollow catheter (1) and then exit through perforations (8). In one embodiment of the invention, the end (9) of the catheter near the plunger (2) may be sealed by attachment to the plunger, and perforations
30 are provided at or near this end. In an alternative embodiment, shown in Figure 2, the catheter is fixed within the plunger with its end (9) open into a chamber (17) in the plunger as shown (16), with the chamber (17) being in fluid communication

- 7 -

with the fluid chamber (7) through the apertures (11 or 12). As the plunger (2) is moved axially within the barrel (3) to reduce the volume of fluid chamber (7), wash solution passes through apertures in the plunger end (Figure 2A, 11) or side (Figure 2B, 12) which are proximal to the plunger seal (13) and then enters the catheter through the open end (16). An annular (Figures 2A and 2C, 14) or circular (Figures 2B and 2D, 15) filter may be positioned in the line of the fluid path between fluid chamber (7) and the hollow catheter (1).

In the modified configuration of the device shown in Figure 3, coil spring (10) is located within an extension (18) of the barrel (3). The other components of this embodiment are as described above with reference to Figure 1, and optional caps (19, 20) are shown in Figure 3D so that the barrel (3) can be used as a storage vessel for the collected wash sample.

In a further embodiment, the device of the present invention may be fitted with brushes or other cell-collecting structures to permit the collection of endo and/or ecto-cervical cells simultaneously with collection of a uterine wash sample. Thus, a cell brush or similar structure may be fitted over the flexible catheter (1) and located at or adjacent to the end (4) of the barrel of the device so that the catheter can move freely through it. The brush may have an outer part consisting of radial and/or axially projecting hairs.

Before use, a biologically suitable wash solution is introduced into the barrel. Phosphate buffered saline, pH 7.2 (PBS) is a typical, though non-limiting example of such a solution. In one embodiment, the hollow catheter has perforations at or near its end attached to the plunger to permit passage of fluid between the barrel and the catheter. In an alternative embodiment, fluid can pass from the barrel via a chamber formed in the plunger into the catheter at the end of the catheter attached to the plunger. In either embodiment, the catheter also has perforations at or near its remote end to permit passage of fluid between the catheter and the internal cavity from which the biological sample is to be obtained. Variations in the nature, number and exact position of these perforations may be made to optimise

- 8 -

the device for a given application. Specific variations suitable for collection of a wash sample from a human female are described above. However, it should be obvious to one of ordinary skill in this field that the size and nature of the internal cavity will influence this design.

5

The above described basic device can either be used alone or in conjunction with one or more of a number of accessory design components. Such accessory design components are illustrated by, but in no way limited to the following. Other variations, modifications and additions will be developed to adapt the basic device to specific applications. However such variations, modifications and additions, whilst utilising the basic design functionality of the above described device, remain simple modifications within the scope of the present invention.

- i. **Filter to substantially remove contaminating cells and debris.**
- 15 Samples from internal cavities often contain blood and other cells that can render the sample unsuitable for testing. This is particularly true if testing cannot be undertaken shortly after sample collection. The cells and debris can be removed after collection by passing the collected wash specimen through a suitable filter into a final container. Alternatively, as described in the detailed description above,
- 20 a filter arrangement can be incorporated within the basic device. The filter may be within the catheter, within the plunger, or within the barrel. It is only required that the design cause the wash fluid, after collection, to pass through the filter before entering the final collection vessel. In certain circumstances it may be desirable to separate the filtered wash fluid from the filters. Such circumstances are well-
- 25 known to those skilled in the art. A configuration of the device of the invention which will permit such separation is shown in Figure 3.

ii **Return spring, pneumatic cushion or other return device.**

- To facilitate the single-handed operation of the basic device, a coil spring, pneumatic cushion or other return device, can be fitted between the barrel of the device and the plunger so that, once the plunger is depressed thereby delivering the wash fluid to the internal cavity, release of pressure on the plunger will result in
- 30

- 9 -

the gradual withdrawal of the wash sample from the internal cavity back to the barrel. Withdrawal of wash fluid should preferably take 5 to 30 seconds; more preferably 10 to 25 seconds. To achieve this preferred rate of withdrawal, the coil spring, pneumatic cushion or other return device should be carefully matched to the dimensions of the basic device. As an alternative, the coil spring, pneumatic cushion or other return device may be more powerful than required, the return therefore being guided by a gentle release of pressure on the plunger by the operator.

10 **iii Simultaneous collection of cell samples.**

In certain circumstances, e.g. collection of a uterine wash sample, it may be useful to also collect cell samples for histological examination for abnormal cell appearance. Both ecto- and endo-cervical cell samples can be simultaneously collected by attachment of a brush or similar device as described above. A soft cervical plug can also be used proximal to the brush to cap this attachment to prevent uterine washings reaching and contaminating the brush.

iv **Graduated plunger rod.**

To permit ready estimation of the distance of penetration of the catheter into the internal cavity, the plunger shaft may be provided with readily recognisable graduations to indicate the distance of movement of the plunger and therefore of the catheter.

v **Spiral Moulding in Plunger.**

25 In a further embodiment of the device, the plunger shaft may be provided with a spiral twist such that the plunger will rotate during depression. Preferably, during a full depression, the plunger will rotate between 90 and 360°, more preferably between 120 and 270°, and most preferably between 150 and 210°. This plunger rotation will result in a concomitant rotation of the catheter, thus improving the efficiency of irrigation of the internal cavity from which the biological wash sample is being collected.

- 10 -

vi **Small protrusions in catheter tip.**

In a further specialised embodiment, cells collected within the uterine wash sample can be useful for diagnostic testing. To ensure a suitable quantity of cells are present in the wash, the catheter of the device may be provided with very small protrusions at or adjacent to its tip. Such protrusions will have a mild abrasive action on the uterine lining at the catheter is introduced and withdrawn thus increasing the cellular content of the uterine wash sample.

The use of a preferred embodiment of the present invention will now be described in the following non-limiting Examples.

EXAMPLE 1

Collection of uterine wash sample using device supplied empty and not fitted with cervical brushes or filters.

The device was removed from its protective bag and the plunger (2) manually depressed thus causing the catheter (1) to extend from the barrel (3) (Figure 1B). The protruding catheter end was inserted in a container of saline, then the plunger fully depressed to the "closed" position (Figure 1C), thereby dispelling air from the fluid chamber (7). Relaxation of pressure upon the plunger (2) causes the coil spring (10) to withdraw the plunger thereby initiating flow of saline through perforations (8) into the catheter and thence from the open end (16) of the catheter into the fluid chamber (7). The plunger is withdrawn to the "open" position (Figure 1A), and then with the device in a vertical position, with the plunger end of the barrel uppermost, the plunger was depressed to the "start" position (Figure 1B) to expel air from the fluid chamber (7) and expose the remote end of catheter (1) ready for insertion into the cervix.

The apparatus was then ready for the uterine irrigation and draining procedure. To conduct the procedure, the vagina was held open with a speculum and the apparatus positioned in the vagina with the short protruding length of the catheter

- 11 -

(1) inserted into the cervix. The plunger was gently depressed, causing the end of the catheter to move into the uterus and at the same time to spray the endometrial lining of the uterus with saline via perforations (8). Spiral mouldings (5) on the plunger shaft (6) cause twisting of the catheter (1) thus further increasing the efficiency of irrigation through the perforations (8). This process was continued until the whole length of the uterus had been irrigated, when the catheter (1) was extended in the manner shown in Figure 1C.

Markings on the plunger shaft (6) indicate the depth of insertion of the catheter in the uterus. The maximum length of the catheter, as measured from the cervical entrance, is about 7cm. If the uterine cavity is shorter than this then the flexible catheter will bend and so not damage the lining. Usually the operator will notice that resistance to forward motion has increased, indicating that the catheter (1) has reached the top of the uterus.

With the apparatus still firmly plugging the cervix, the plunger was slowly drawn back to the "start" position (Figure 1B), assisted by the spring (10), withdrawing the catheter (1) and at the same time aspirating the uterine wash saline into the catheter (1) via perforations (8). The wash sample passed up the hollow catheter to its end (16) where it passed into the fluid chamber (7).

The wash sample was then either subjected to diagnostic assessment with minimal delay, or passed through a filter to substantially remove cells and cell debris.

EXAMPLE 2

Collection of uterine wash sample using device supplied empty and fitted with cervical brushes and filter.

All procedures were the same as described in Example 1 until the plunger was withdrawn to the "start" position (Figure 1B) after having collected the biological

- 12 -

wash sample. Prior to removal of the device, the barrel of the device was gently rotated by a twisting action thereby rubbing the brush located at the end (4) of the barrel in and against the cervix to obtain the ecto- and endo-cervical cell samples.

5

EXAMPLE 3

Collection of a uterine wash sample with a ready-to-use device.

The procedure was the same as described for Examples 1 and 2, except that the device was supplied already filled with saline in the fluid chamber (7), and the
10 device in the "open" position shown in Figure 1A. Preferably, in such a ready-to-use device, the end (4) of the barrel is sealed with a removable cap.

CLAIMS:

1. A device for collection of a fluid sample, comprising a barrel having an opening at one end thereof, a plunger operable axially within the barrel, said barrel and said plunger defining a fluid chamber having a volume which varies on axial movement of the plunger within the barrel, and a hollow, elongate tube extending from the fluid chamber through said opening in the barrel, said tube being in operative engagement with said plunger for axial movement to extend and retract the tube within respect to the barrel on axial movement of the plunger, and said tube being in fluid communication with the fluid chamber to provide a fluid flow path to and from the fluid chamber through the hollow tube.
2. A device according to claim 1, wherein said tube comprises a flexible, hollow catheter.
3. A device according to claim 1 or claim 2, wherein said tube extends into a chamber in the plunger which is in fluid communication with said fluid chamber.
4. A device according to claim 1 or claim 2, wherein said tube is provided with perforations in the wall thereof at or near the end thereof attached to the plunger for fluid communication with said fluid chamber.
5. A device according to any of the preceding claims, wherein the end of said tube remote from the plunger is sealed, and the tube is provided with perforations in the wall thereof at or near the sealed end for passage of fluid in and out of the hollow tube.
6. A device according to any of the preceding claims, further comprising a filter located in the fluid flow path to and from the fluid chamber through the hollow tube.

- 14 -

7. A device according to claim 6, wherein the filter is adapted to substantially remove cells and cellular debris from a fluid in said fluid flow path.
8. A device according to claim 6, wherein the filter is located in the hollow tube.
9. A device according to claim 6, wherein the filter is located in the plunger.
10. A device according to claim 6, wherein the filter is located in the barrel.
11. A device according to any of the preceding claims, further comprising a coil spring, pneumatic cushion or other return device located between the barrel and the plunger of the device.
12. A device according to any of the preceding claims, further comprising means to rotate the plunger on axial movement of the plunger within the barrel of the device.
13. A device according to claim 12, wherein said means to rotate is adapted to rotate the plunger from 90° to 360° on full axial movement of the plunger within the barrel.
14. A device according to any of the preceding claims, further comprising means for collection of a sample of cells or cellular debris, said means being located on said barrel at or adjacent to said opening at one end thereof.
15. A device according to claim 14, wherein said means for collecting a sample of cells or cellular debris comprises a brush or brush-like device.

- 15 -

16. A method for collection of a fluid sample from an internal cavity of a mammal, said method comprising the steps of:
 - (i) locating the end of a hollow tube at the opening of the internal cavity;
 - (ii) penetrating the internal cavity by moving the tube into the cavity while simultaneously passing wash fluid through the hollow tube to wash at least a portion of the surface of the internal cavity; and
 - (iii) subsequently retracting the tube from the cavity while simultaneously collecting a fluid sample by aspirating the wash fluid through the hollow tube.
17. A method according to claim 16, wherein the mammal is a human.
18. A method according to claim 17, wherein the internal cavity is the uterus of a human female, and the fluid sample is a uterine wash sample.
19. A method according to any one of claims 16 to 18, comprising the further step of filtering the fluid sample to substantially remove cells and cellular debris from the fluid sample.
20. A method according to any of claims 16 to 19, wherein a sample of cells or cellular debris is simultaneously collected at the opening of the internal cavity.
21. A method according to claim 20, wherein the sample is a sample of ecto- and/or endo-cervical cells.
22. A method according to any one of claims 16 to 21, characterised by use of a device according to any one of claims 1 to 15.

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
22 February 2001 (22.02.2001)

PCT

(10) International Publication Number
WO 01/12072 A1

(51) International Patent Classification⁷: **A61B 10/00**,
A61M 3/04

3101 (AU). **PHILLIPS, Donald, Ian** [AU/AU]; 33 Miller Road, Bayswater North, VIC 3153 (AU).

(21) International Application Number: PCT/AU00/00962

(74) Agents: **SLATTERY, John, Michael** et al.; Davies Collision Cave, 1 Little Collins Street, Melbourne, VIC 3000 (AU).

(22) International Filing Date: 11 August 2000 (11.08.2000)

(25) Filing Language: English

(81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(26) Publication Language: English

(30) Priority Data:
PQ 2197 13 August 1999 (13.08.1999) AU

(71) Applicants (*for all designated States except US*): **R. LURIE PTY. LTD.** [AU/AU]; 42B Windella Road, East Kew, VIC 3101 (AU). **WATER SOLUTIONS (AUST) PTY. LTD.** [AU/AU]; 33 Miller Road, Bayswater North, VIC 3153 (AU).

(84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(72) Inventors; and

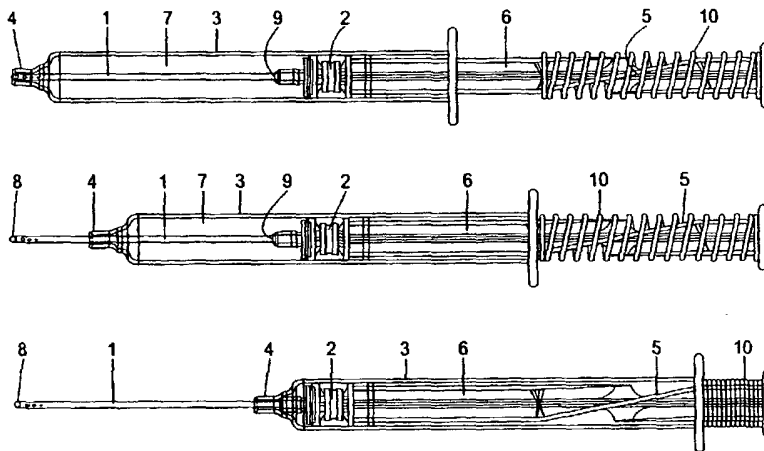
(75) Inventors/Applicants (*for US only*): **LURIE, Israel, Raleigh** [AU/AU]; 42B Windella Road, East Kew, VIC

Published:

— With international search report.

[Continued on next page]

(54) Title: APPARATUS FOR OBTAINING BIOLOGICAL SAMPLES



(57) Abstract: A device for collection of a fluid sample, particularly a biological sample from an internal cavity of a mammal, comprises a barrel (3) having an opening (4) at one end thereof, a plunger (2) operable axially within the barrel (3), the barrel (3) and the plunger (2) defining a fluid chamber (7) having a volume which varies on axial movement of the plunger (2) within the barrel (3), and a hollow, elongate tube (1) extending from the fluid chamber (7) through the opening (4) in the barrel (3), the tube (1) being in operative engagement with the plunger (2) for axial movement to extend and retract the tube (1) within respect to the barrel (3) on axial movement of the plunger (2), and the tube (1) being in fluid communication with the fluid chamber (7) to provide a fluid flow path to and from the fluid chamber (7) through the hollow tube (1). A method for collection of a fluid sample from an internal cavity of a mammal is also disclosed.

WO 01/12072 A1

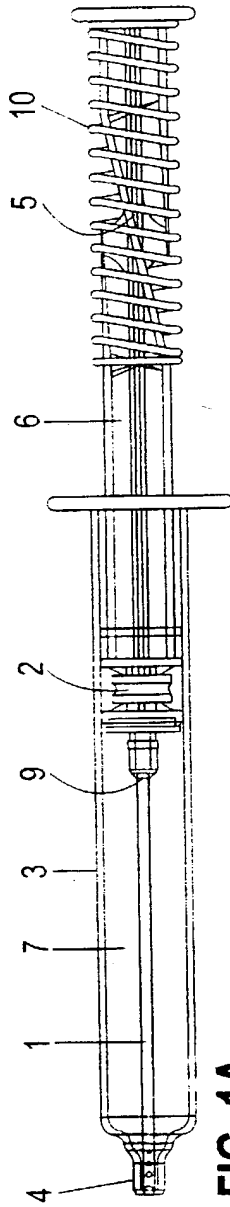


FIG 1A

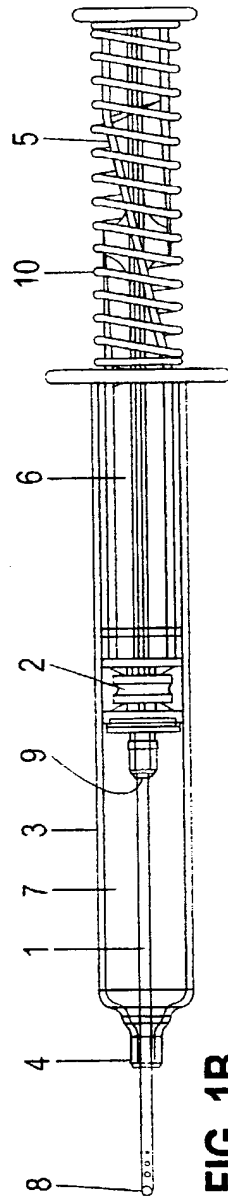


FIG 1B

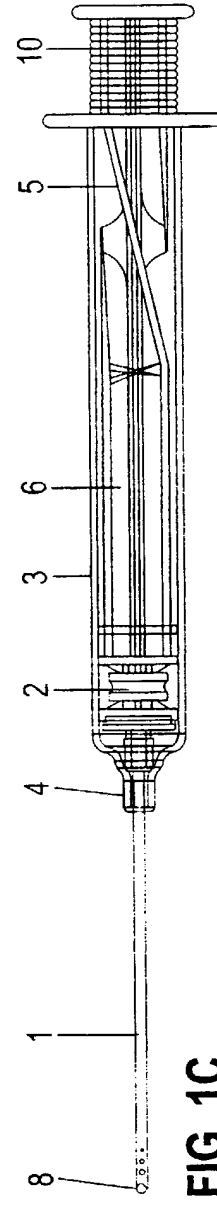
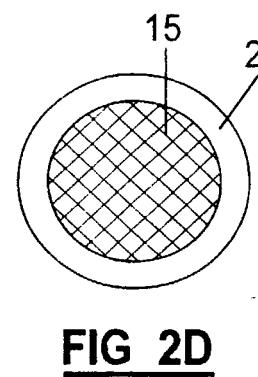
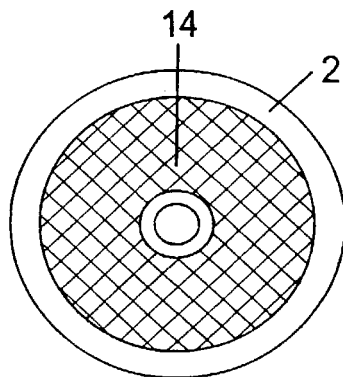
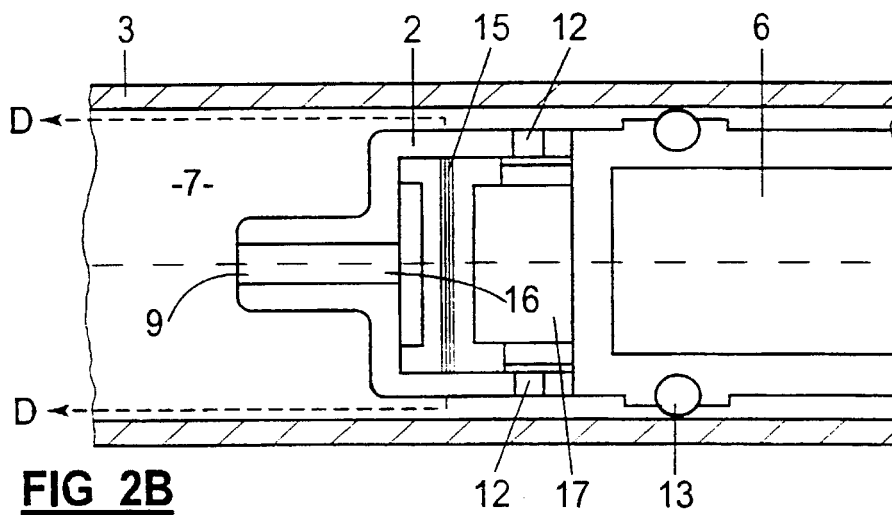
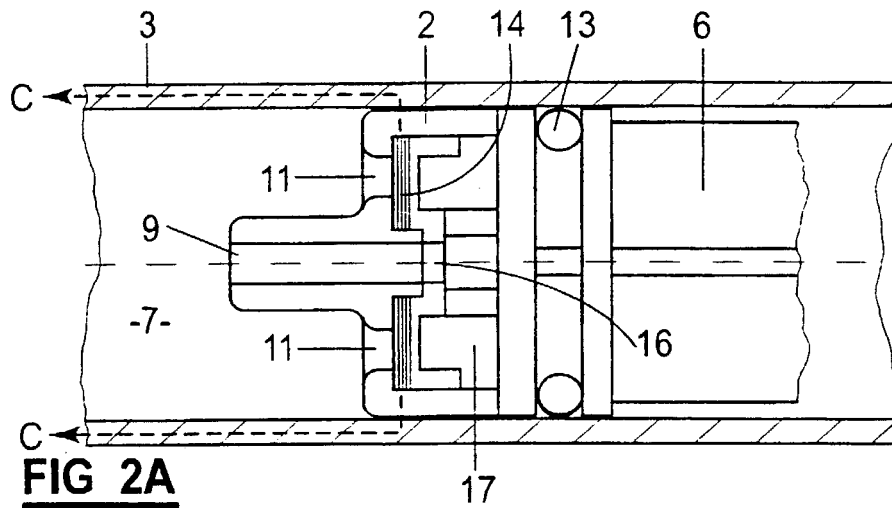


FIG 1C

2/3



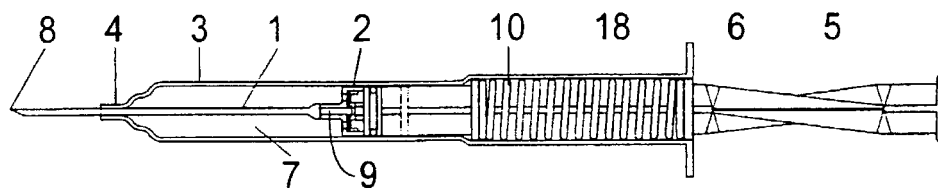


FIG 3A

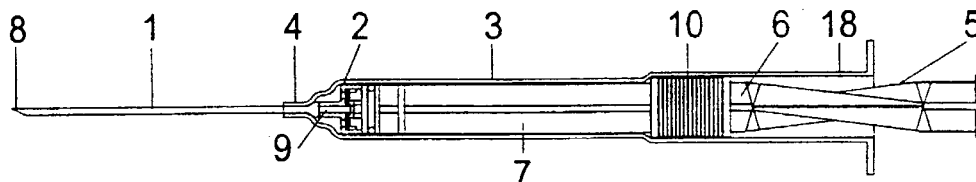


FIG 3B

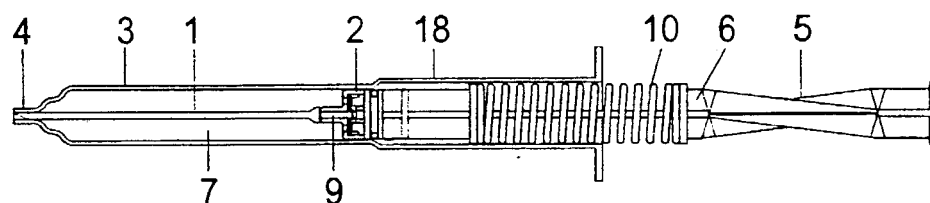


FIG 3C

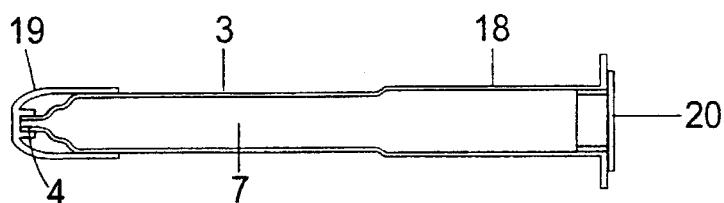


FIG 3D

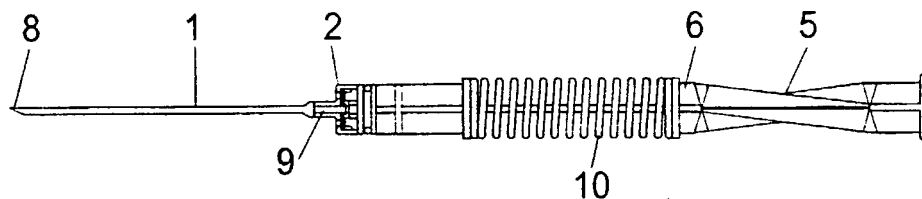


FIG 3E

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Apparatus for obtaining biological samples

the application of which

☐ is attached hereto

OR

☒ was filed on 11 August 2000 as United States Application Number or PCT International Application Number PCT/AU00/00962 (Confirmation No. _____), and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Claimed	
			Yes	No
<u>PQ2197/99</u>	<u>Australia</u>	<u>13 August 1999</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim domestic priority benefits under 35 United States Code §120 of any United States application(s), §119(e) of any United States provisional application(s), or §365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. or International Application Number(s)	U.S. or International Filing Date	Status
<u>PCT/AU00/00962</u>	<u>11 August 2000</u>	

I hereby appoint all attorneys of **SUGHRUE MION, PLLC** who are listed under the USPTO Customer Number shown below as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys listed under that Customer Number may be changed from time to time at the sole discretion of Sughrue Mion, PLLC, and request that all correspondence about the application be addressed to the address filed under the same USPTO Customer Number.



23373

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Apparatus for obtaining biological samples

the application of which

☐ is attached hereto

OR

☒ was filed on 11 August 2000 as United States Application Number or PCT International Application Number PCT/AU00/00962, (Confirmation No. _____), and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Claimed	
			Yes	No
<u>PQ2197/99</u>	<u>Australia</u>	<u>13 August 1999</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim domestic priority benefits under 35 United States Code §120 of any United States application(s), §119(e) of any United States provisional application(s), or §365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. or International Application Number(s)	U.S. or International Filing Date	Status
<u>PCT/AU00/00962</u>	<u>11 August 2000</u>	

I hereby appoint all attorneys of **SUGHRUE MION, PLLC** who are listed under the USPTO Customer Number shown below as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys listed under that Customer Number may be changed from time to time at the sole discretion of Sughrue Mion, PLLC, and request that all correspondence about the application be addressed to the address filed under the same USPTO Customer Number.

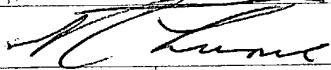


23373


PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

Given Name (first and middle [if any]) Israel Raleigh		Family Name or Surname LURIE	
Inventor's Signature 		Date 18.7.02	
Residence: City East Kew	State Victoria <i>Amx</i>	Country Australia	Citizenship Australian
Mailing Address: 42B Windella Avenue, East Kew, Victoria 3102, Australia			
City East Kew	State Victoria	Zip 3102	Country Australia

NAME OF SECOND INVENTOR:

Given Name (first and middle [if any]) Donald Ian		Family Name or Surname PHILLIPS	
Inventor's Signature 		Date 18.7.02	
Residence: City Bayswater North	State Victoria	Country Australia	Citizenship Australian
Mailing Address: 33 Miller Road, Bayswater North, Victoria 3153, Australia			
City Bayswater North	State Victoria	Zip 3153	Country Australia

NAME OF THIRD INVENTOR:

Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country

NAME OF FOURTH INVENTOR:

Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country

NAME OF FIFTH INVENTOR:

Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country

NAME OF SOLE OR FIRST INVENTOR:

Given Name (first and middle [if any]) Israel Raleigh		Family Name or Surname LURIE	
Inventor's Signature		Date	
Residence: City East Kew	State Victoria	Country Australia	Citizenship Australian
Mailing Address: 42B Windella Avenue, East Kew, Victoria 3102, Australia			
City East Kew	State Victoria	Zip 3102	Country Australia

NAME OF SECOND INVENTOR:

Given Name (first and middle [if any]) Donald Ian		Family Name or Surname PHILLIPS	
Inventor's Signature * <i>Donald I. Phillips</i>		Date * <i>1 August 2003</i>	
Residence: City Bayswater North	State Victoria <i>Aux</i>	Country Australia	Citizenship Australian
Mailing Address: 33 Miller Road, Bayswater North, Victoria 3153, Australia			
City Bayswater North	State Victoria	Zip 3153	Country Australia

NAME OF THIRD INVENTOR:

Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country

NAME OF FOURTH INVENTOR:

Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country

NAME OF FIFTH INVENTOR:

Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country